



U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101

AUG 09 1988

REPLY TO
ATTN OF: HW-112

J.P. Hyland, Manager
Environmental Protection
Monsanto Chemical Company
800 North Lindbergh Boulevard
St. Louis, Missouri 63167

Dear Mr. Hyland:

This is in response to your letter of July 25, 1988 requesting that the Notice of Violation (NOV) issued to the Monsanto Chemical Company (Monsanto) on June 27, 1988 be withdrawn. As was referenced in that NOV, WAC 173-303-805(7)(d) [40 CFR Section 270.72(d)] requires that the old owner or operator shall comply with the interim status financial requirements of 40 CFR Part 265 Subpart H (as referenced in WAC 173-303-400) until the new owner or operator has demonstrated that he is complying with the financial requirements.

At the time the NOV was issued to Monsanto, neither the new operator (Rhone-Poulenc, Inc.) nor the old operator (Monsanto) had demonstrated compliance with the said financial requirements for the facility in question. A NOV was previously issued to Rhone-Poulenc, Inc. addressing this concern.

Subsequently, Rhone-Poulenc, Inc. has addressed the financial requirements. Because of this, Monsanto's obligation under the June 27, 1988 NOV appears to have been satisfied. Since the violation existed at the time the NOV was issued, your request for the withdrawal of the NOV is denied. Further inquiries regarding this matter, should be addressed to Chae Pak of my staff at (206) 442-0955.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles W. Rice".

Charles W. Rice, Chief
RCRA Compliance Section

cc: Julie Selleck, Department of Ecology

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8/9/88

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The above requested information shall be submitted to Charles W. Rice, Chief, RCRA Compliance Section, U.S. Environmental Protection Agency, HW-112, 1200 Sixth Avenue, Seattle, Washington, 98101.

Failure to submit the requested information within the time period specified may subject Monsanto to enforcement action under Section 3008 of RCRA [42 U.S.C. 6928]. Such enforcement action could include the assessment of substantial penalties of up to \$25,000.00 per day of noncompliance.

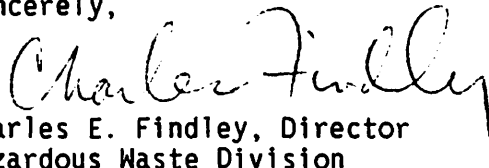
Should you or Monsanto find at any time after the submission of the requested information that any part of that information is false or misrepresents the truth, Monsanto is under an obligation to notify the EPA thereof as soon as possible.

This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, Title 44 of the U.S. Code. If you wish to assert a confidentiality claim covering all or part of the information, herein requested, you should place on (or attach to) the information, at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", "proprietary", or "confidential". Information covered by such a claim will be disclosed by EPA only to the extent and by means of procedures set forth in 40 CFR Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to Monsanto.

EPA regulations governing confidentiality of business information are set forth in Part 2 of Title 40 of the Code of Federal Regulations [41 Federal Register (FR) 36902-36924 (September 1, 1976) and 43 FR 40003 (September 8, 1978), as amended, and 43 FR 40001 (September 8, 1978), 50 FR 32387 (August 9, 1985) and 50 FR 51663 (December 18, 1985)].

All inquiries regarding this matter may be directed to Chae Pak of my staff at (206) 442-0955.

Sincerely,



Charles E. Findley, Director
Hazardous Waste Division

cc: Julie Selleck, Department of Ecology